

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTINA DAVIDSON,

Plaintiff,

CIVIL ACTION NO. 04-CV-74392-DT

vs.

DISTRICT JUDGE ARTHUR J. TARNOW

ZURICH AMERICAN
INSURANCE CO.,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendant.

/

**ORDER DENYING DEFENDANT'S MOTION TO COMPEL
DEPOSITION OF JEFFREY EMMING, PERFECT PAINTINGS DOCUMENTS,
AND FOR SANCTIONS AND DENYING DEFENDANT'S MOTION TO COMPEL
DEPOSITION OF LISA GENOVA AND FOR SANCTION**

Before the Court are Defendant's Motion to Compel Deposition of Jeffrey Emming, Perfect Painting's Documents, and For Sanctions, filed on July 29, 2005, and Defendant's Motion to Compel Deposition of Lisa Genova, and for Sanctions, also filed on July 29, 2005.

Plaintiff is a former employee of Perfect Painting, a business located in Sterling Heights, Michigan. Jeffrey Emming is the owner of Perfect Painting, and Lisa Genova is one of Plaintiff's former co-workers at Perfect Painting. On June 30, 2005 Defendant sent three subpoenas to non-parties at Perfect Painting's business address via certified mail. Jeffrey Emming, the owner of Perfect Painting, acknowledged by signature that he received the subpoenas on July 2, 2005.

Fed. R. Civ. P. 45 requires that subpoenas be served by delivery only, and does not allow service by certified mail. Defendant's subpoenas were never properly served. Defendant's Motions to Compel Deposition are therefore **DENIED**.

IV. Notice to Parties Regarding Objections

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: 09/29/05

s/ Mona K. Majzoub

MONA K. MAJZOUB

UNITED STATES MAGISTRATE JUDGE

Proof of Service

I hereby certify that a copy of this Order was served upon Counsel of Record on this date.

Dated: 09/29/05

s/ Lisa C. Bartlett

Courtroom Deputy